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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

JENNIFER BEASLEY; DR. KIFFANY  
PRIDE; LAURA SHIRLEY; and  
NICOLE TOWNSEND,

PLAINTIFFS,

VS. NO. 4:18-cv-508-DPM

DR. CHARLES MCNULTY, in his official  
capacity as Superintendent of Schools  
of the Pulaski County Special School  
District; PULASKI COUNTY SPECIAL SCHOOL  
DISTRICT BOARD OF DIRECTORS; and  
PULASKI COUNTY SPECIAL SCHOOL DISTRICT,  
a public body corporate,

DEFENDANTS.

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DEPOSITION

OF

NICOLE TOWNSEND

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TUESDAY, OCTOBER 8, 2019

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A P P E A R A N C E S:

ON BEHALF OF PLAINTIFFS:

JOHN WALKER, ESQUIRE  
JOY SPRINGER, Administrative Assistant  
John Walker Law Firm  
1723 South Broadway Street  
Little Rock, Arkansas 72206

ON BEHALF OF DEFENDANTS:

W. CODY KEES, ESQUIRE  
Bequette and Billingsley  
425 West Capitol Avenue  
Suite 3200  
Little Rock, Arkansas 72201

ALSO PRESENT:

MS. JENNIFER BEASLEY  
MS. SHAWN BURGESS

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I N D E X

WITNESS: PAGE:

NICOLE TOWNSEND

Direct Examination.....

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The deposition of Nicole Townsend was  
taken before me, Debbye L. Petre, Certified Court  
Reporter and notary public within and for the County  
of Pulaski, State of Arkansas, duly commissioned and  
acting, on Tuesday, October 8, 2019, beginning at the  
hour of 11:40 a.m., at the offices of John Walker Law  
Firm, 1723 South Broadway Street, Little Rock, Pulaski  
County, Arkansas.

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Said deposition being taken in  
accordance with the Rules of Federal Procedure and  
pursuant to the provisions of the Arkansas Rules of  
Civil Procedure at instance of counsel for the  
Defendants in the above-styled case in the United  
States District Court, Eastern District of Arkansas,  
Western Division.

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E X H I B I T S

Exhibit One.....

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Exhibit Two.....

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Reporter's Certificate.....

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<p>1           PROCEEDINGS      2 WHEREUPON,      3           NICOLE TOWNSEND,      4 having been called for examination, and having been      5 first duly sworn, was examined and testified as      6 follows:</p> <p>7           DIRECT EXAMINATION      8 BY MR. KEES:</p> <p>9 Q How are you, ma'am? My name is Cody Kees, and      10 we met earlier. I'm counsel for the district, I'm      11 going to take your deposition today. Okay?</p> <p>12 A Good morning. Okay.</p> <p>13 Q And you sat in on Ms. Beasley's deposition;      14 correct?</p> <p>15 A Yes.</p> <p>16 Q So, you know the ground rules, you saw all that?</p> <p>17 A Yes.</p> <p>18 Q Have you ever done a deposition before?</p> <p>19 A No.</p> <p>20 Q Have you ever been in a lawsuit before?</p> <p>21 A No.</p> <p>22 Q This is your first time to be a party to a      23 lawsuit?</p> <p>24 A Yes.</p> <p>25 Q And you are at Pine Bluff School District, now?</p>	<p>1 A No.      2 Q I have a contract here for '18-'19?      3 A I was. I was at it until June 30th.      4 Q Okay. And what is the reason that you are no      5 longer at Pine Bluff?      6 A So, they were doing some restructuring, they      7 RIFed pretty much everyone that was there. And then,      8 in the midst of me being RIFed, then it was so far      9 away, it was causing a hardship on my family, because      10 I don't have any family here. So, when it came to --      11 when they did the RIF, it was pretty much a done deal.      12 So, it was pretty much a hardship to go travel back      13 and forth, because the drive was like an hour and 15      14 minutes one way.      15 Q Where do you live?      16 A Maumelle.      17 Q Maumelle. Okay.      18 A Yeah.      19 Q So, after your termination from the county, did      20 you get immediate employment at Pine Bluff?      21 A No. That's when I started -- I reached out and      22 started applying, and I also started consulting, just      23 writing curriculum.      24 Q But you went on contract, and it looks like here      25 -- and I will make this Exhibit Two, your contract at</p>
<p style="text-align: center;">Page 7</p> <p>1 Pine Bluff.      2 A Uh-huh. (Indicated yes.)      3 Q You went on contract in August?      4 A 2018.      5 Q August 17, 2018?      6 A Yes.      7 Q So, you had about a month and a half that you      8 were off contract with no contract with a school      9 district?      10 A Correct.      11 Q And your pay went from \$79,795.71 to \$58,521.92?      12 A Correct.      13           MR. KEES: I will make Exhibit One as      14 your PCSSD contract the last year you were      15 there, and Exhibit Two will be your Pine      16 Bluff contract.      17           (WHEREUPON, Exhibits Numbered One and      18 Two were marked for identification.)      19 BY MR. KEES:      20 Q Okay. So, you went off contract at Pine Bluff      21 June 30th of this summer?      22 A Right.      23 Q And what are you doing now?      24 A So, I write curriculum for Ed Report, review      25 curriculum for Ed Report. So, that's what I'm doing</p>	<p style="text-align: center;">Page 8</p> <p>1 right now.      2 Q Is that on your CV?      3 A I just recently started that contract.      4 Q How do you spell that, Ed Report?      5 A Ed, like E-D, R-E-P-O-R-T.      6 Q Is that a private company, or what?      7 A Nonprofit.      8 Q And what do you do -- can you explain kind of      9 what you do for them?      10 A Review instructional materials.      11 Q And how are you paid?      12 A It's based on stipends, based on how much work      13 you complete at that time. And so, I send them an      14 invoice once it's completed. And so, they send a      15 stipend for like \$1,750.00 a series. And so, just      16 complete the first series.      17 Q Do you anticipate your pay in that job being      18 equivalent to what you were making at Pine Bluff?      19 A No, not at all.      20 Q So, are you looking -- are you actively looking      21 for other positions in district?      22 A Yes, I'm looking for positions in districts. My      23 greatest concern is just looking at my retirement.      24 Because just looking at the average five years, it      25 affects my retirement, as well.</p>

<p style="text-align: center;">Page 9</p> <p>1 Q Because you are not contributing right now?</p> <p>2 A I'm not contributing right now. But also, just</p> <p>3 having to live off of that retirement that I did</p> <p>4 contribute those couple of years. And so, as my</p> <p>5 salary decreases, it affects my retirement in the long</p> <p>6 run, as well. Because they are going to take the</p> <p>7 average of five years of your salary. So, the lower</p> <p>8 my salary is, it affects my retirement in the long</p> <p>9 run, as well.</p> <p>10 Q Are you pulling from retirement right now?</p> <p>11 A I had to.</p> <p>12 Q To make up the difference?</p> <p>13 A Uh-huh. (Indicated yes.)</p> <p>14 Q So, since you left Pine Bluff this summer, what</p> <p>15 jobs in education have you applied for?</p> <p>16 A Well, as far as what was available, there wasn't</p> <p>17 really anything available as far as based on the</p> <p>18 salary that I'm qualified for. I applied for one in</p> <p>19 Little Rock School District. And so, once I started</p> <p>20 consulting, I had to make certain I was able to keep</p> <p>21 up with that. And so, I will be starting back looking</p> <p>22 again -- actually, I'm currently looking now. And so,</p> <p>23 I get my e-mails, I make sure I schedule my e-mails so</p> <p>24 I get updates. So, right now, I'm just getting a lot</p> <p>25 of classified positions and not certified.</p>	<p style="text-align: center;">Page 10</p> <p>1 Q So, you applied for a Little Rock position over</p> <p>2 the summer?</p> <p>3 A Well, no. Because over the summer, I was</p> <p>4 working. And so, once I finished my contract with</p> <p>5 Pine Bluff -- once the contract ended with Pine Bluff'</p> <p>6 June 30th, that's when I received the contract with</p> <p>7 Ed Report. And so, I looked at Little Rock School</p> <p>8 District for employment, and it has been classified</p> <p>9 positions.</p> <p>10 Q Okay. You haven't applied for -- after Pine</p> <p>11 Bluff, you haven't applied for anything certified?</p> <p>12 A There has not been anything certified for me to</p> <p>13 apply for. It has been classified.</p> <p>14 Q Well, besides -- I mean, there have been</p> <p>15 teaching positions, but you are saying something that</p> <p>16 you are more qualified for?</p> <p>17 A I haven't seen any certified positions for me to</p> <p>18 apply for. I haven't.</p> <p>19 Q What is your certification in?</p> <p>20 A My certification is in mathematics and</p> <p>21 administration.</p> <p>22 Q So, you can do, what, K-12 math, or what?</p> <p>23 A Yes.</p> <p>24 Q And there haven't been any K-12 math positions?</p> <p>25 A No. I'm 4-8 math.</p>
<p style="text-align: center;">Page 11</p> <p>1 Q 4-8?</p> <p>2 A Yes. And K-12 certified administration --</p> <p>3 school administration.</p> <p>4 Q Got it.</p> <p>5 A That's my experience.</p> <p>6 Q With those two certifications, you are saying</p> <p>7 nothing has become available in the Little Rock area?</p> <p>8 A Right.</p> <p>9 Q What schools are you looking at?</p> <p>10 A I'm looking at the whole district.</p> <p>11 Q What about North Little Rock, is what I'm</p> <p>12 saying, what districts?</p> <p>13 A All districts. I'm looking at all districts.</p> <p>14 Q North Little Rock?</p> <p>15 A North Little Rock, Little Rock School District,</p> <p>16 Benton, Bryant.</p> <p>17 Q Are you looking at the county?</p> <p>18 A And PCSSD, yes.</p> <p>19 Q Okay.</p> <p>20 A I looked at them before I left, too.</p> <p>21 Q Right. Okay. So, you did apply for one of the</p> <p>22 instructional specialists positions, instructional</p> <p>23 strategist?</p> <p>24 A I applied for two positions.</p> <p>25 Q What two did you apply for?</p>	<p style="text-align: center;">Page 12</p> <p>1 A I applied for the elementary principal.</p> <p>2 Q And then, the instructional strategist?</p> <p>3 A Yes. I applied for the elementary principal</p> <p>4 position first.</p> <p>5 Q Which elementary?</p> <p>6 A I think it was for Landmark. But, you know, the</p> <p>7 superintendent can put you anywhere. But it was for</p> <p>8 an elementary position.</p> <p>9 Q Yes.</p> <p>10 A I think it was Landmark.</p> <p>11 Q Were you an elementary principal prior?</p> <p>12 A I was elementary principal at the high school</p> <p>13 level. I have K-12 experience.</p> <p>14 Q And then, did you get an interview for the</p> <p>15 elementary principal?</p> <p>16 A I did. And it was May -- the interview was May</p> <p>17 14th, I applied May 9th.</p> <p>18 Q Okay. That's when you were still on contract?</p> <p>19 A Yes. Ms. Alford --</p> <p>20 Q May 14th interview?</p> <p>21 A Yes. And Ms. Alford, Paul Brewer's secretary,</p> <p>22 was the one that asked me to apply.</p> <p>23 Q Do you remember your interview committee?</p> <p>24 A Yes.</p> <p>25 Q Who were they?</p>

Page 13	Page 14
1 A Ms. Burgess, Ms. Goodwin, Doctor Bell, and Sam 2 Althsul. 3 Q Burgess, Goodwin? 4 A I'm sorry. Ms. Burgess, Ms. Goodwin. 5 Q Doctor Bell? 6 A Doctor Bell, and Mr. Althsul. 7 Q The Federal Programs gentleman? 8 A Right. I think he was principal at the time, 9 but, yes. 10 Q Althsul, A-L-T-H-S-U-L, is that who you are 11 talking about? 12 A Yes. 13 Q He would have been Federal Programs, wasn't he? 14 A Yes. And Doctor Bell was principal at the time. 15 Q Yes. That makes sense. So, there were four 16 members of the committee? 17 A There might have been a fifth person. It was 18 Ms. Watson, Lisa Watson, that's who it was. 19 Q Lisa Watson. And did somebody call and tell you 20 that you were not recommended for the position? 21 A I received an e-mail. 22 Q E-mail. Who got that position? 23 A It wasn't me. I don't know. 24 Q You don't know? 25 A Yes.	1 Q And then, you also applied for the instructional 2 strategist? 3 A Yes. I interviewed for that July 23rd. 4 Q You heard Ms. Beasley talk about the two 5 meetings with Doctor McNulty? 6 A Yes. 7 Q And you attended one of those? 8 A The April 30th on that Monday, yes. 9 Q And anything about that meeting that Ms. Beasley 10 didn't recall? It sounded like it was pretty 11 straightforward, he explained the process. Anything 12 else that you recall? 13 A It was a very uncomfortable meeting, because my 14 question was, what was his decision based off of. 15 Because prior to that meeting, Paul Brewer met with 16 us, and Paul Brewer shared with us that him, Doctor 17 Tackett, and it was someone else, consulted with the 18 new superintendent and the Board. And he told us 19 about our positions being cut. 20 Q This is the one that you recorded the meeting? 21 A No. This is the meeting prior to that meeting 22 with Doctor McNulty. This meeting happened before the 23 meeting with Doctor McNulty. 24 Q Well, no. You are talking about Paul Brewer's 25 meeting?
Page 15	Page 16
1 A Uh-huh. (Indicated yes.) 2 Q Like I have a recording, and I thought it was 3 from your discovery. I mean, it was recorded, I 4 don't care who did it. 5 A That was a separate meeting. But the meeting we 6 had with him -- 7 Q Who are you talking about "him"? 8 A The meeting we had with Doctor McNulty was an 9 extension from the meeting we had with Mr. Brewer. 10 Q I got it. Now, Brewer is the one I got a 11 recording of. But I don't have a recording of 12 McNulty. So, that's why I'm asking, do you recall 13 recording Doctor McNulty's meeting? 14 A I recall being in a meeting with Doctor McNulty. 15 And you asked me about the meeting, how I felt about 16 the meeting. 17 Q Right. 18 A And my answer is that I did not feel 19 comfortable, because I didn't feel comfortable from 20 the initial meeting from where it derived from. My 21 question to Mr. Brewer was, "Oh, so Doctor McNulty is 22 here now, and he is official?" And he said, "No." 23 And so, he reiterated he consulted with Doctor McNulty 24 and the Board and Doctor Tackett. And so, he shared 25 with us that he wanted to -- that was back -- that was	1 in April. Then, when Doctor McNulty came to meet with 2 us -- 3 Q April 30th? 4 A -- April 30th, that Monday, I didn't feel 5 comfortable because of the process. And so, my 6 question to Doctor McNulty was, "How did you base your 7 decision" -- "How were you able to make your decision 8 or base your decision on how the district or whatever 9 should be restructured?" I said to him -- he wanted 10 to meet with us knowing exactly who was going to be 11 cut how you would base your decision. He shared that 12 it was purely fiscal. And my question was, "Just so I 13 can get understanding, it wasn't based on data," but 14 if it's purely fiscal, I knew where my salary was 15 coming from, it wasn't from Operating. So, that's why 16 I asked the question again, "So, you are saying no 17 other way you made your decision, it was just purely 18 fiscal?" And he said, "Yes." And again, I felt 19 uncomfortable because I knew where my salary was 20 coming from, because I understand budget. 21 Q You are talking about NSLA? 22 A Yeah. It was not Operating. 23 Q Did he even go into that at all? 24 A Huh-uh. Because once he shared with me -- once 25 he gave me that answer, again it derived from, also,

<p style="text-align: center;">Page 17</p> <p>1 the meeting -- the Board meeting that we attended, and      2 then the article, and also what was shared based on      3 Mr. Brewer receiving directives to cut positions -- or      4 cut personnel, but not positions. And there was a      5 difference with the attrition.</p> <p>6 Q Okay.</p> <p>7 A And so, that's why I said I felt uncomfortable,      8 because Mr. Tackett was not my supervisor. And I know      9 there has always been some issues there. But, no. We      10 had the meeting, I didn't feel comfortable with it.</p> <p>11 Q What were you over, math?</p> <p>12 A Yes.</p> <p>13 Q Over K-12?</p> <p>14 A I'm over math, and then I ended up doing some of      15 the secondary, as well.</p> <p>16 Q Math for K-12?</p> <p>17 A Yeah.</p> <p>18 Q So, you reported to Goodwin and to Tackett?</p> <p>19 A I reported to Ms. Goodwin.</p> <p>20 Q Okay.</p> <p>21 A And then, I was -- principals reached out to me      22 to do -- to come to their school, secondary.</p> <p>23 Q But you didn't go through Tackett for that?</p> <p>24 A I went to Doctor Warren.</p> <p>25 Q Warren?</p>	<p style="text-align: center;">Page 18</p> <p>1 A Doctor Tackett was in the meeting when the      2 principals requested. That was an October meeting,      3 the district instructional leadership meeting. I      4 think it was the Mills Feeder, the Mills Feeder      5 meeting.</p> <p>6 Q On October the 17th?</p> <p>7 A Uh-huh. And he was part of that meeting.      8 Because in the meeting, the principals -- the      9 elementary principals had to give a report out of the      10 things they were doing, just to actually increase      11 student achievement and also to account for what they      12 were doing when it came to Plan 2000, as well. The      13 principal reporting out the support, and the other      14 principals apparently had not received any support in      15 their buildings. And so, because of their status,      16 they requested immediate support. So, it was the      17 Mills Feeder pattern principals, myself, Ms. Bobette,      18 Doctor Warren, and Doctor Tackett.</p> <p>19 Q Okay. But you were in this position for one      20 year?</p> <p>21 A Uh-huh. (Indicated yes.)</p> <p>22 Q And your supervisor, as long as you were there,      23 was Doctor Goodwin?</p> <p>24 A Yes.</p> <p>25 Q And then, you had one meeting with Doctor</p>
<p style="text-align: center;">Page 19</p> <p>1 McNulty on April 30th?</p> <p>2 A I had a face-to-face, yes, on April 30th.</p> <p>3 Q And I'm asking, it's okay if it was recorded, I      4 just don't have it, do you know if it was recorded?</p> <p>5 A It probably was, yes.</p> <p>6 Q Okay. Do you know who would have possession of      7 that?</p> <p>8 A Who would have possession of the recording?</p> <p>9 Q Right.</p> <p>10 A I mean, whoever recorded the meeting.</p> <p>11 Q You don't know who did that?</p> <p>12 A Huh-uh. (Indicated no.)</p> <p>13 Q Okay. Because you recorded the meeting with Mr.      14 Brewer; correct?</p> <p>15 A No.</p> <p>16 Q I saw that in discovery, I thought it came from      17 yours.</p> <p>18 A No. I didn't even know we was having a meeting      19 with Mr. Brewer. I had a meeting with Doctor McNulty.</p> <p>20 Q Well, you had had a meeting with Paul Brewer.</p> <p>21 A Right. He called us in in April.</p> <p>22 Q Got it.</p> <p>23 A And then, Mr. McNulty met with us -- Doctor      24 McNulty.</p> <p>25 Q And then, after that, Paul Brewer gave you your</p>	<p style="text-align: center;">Page 20</p> <p>1 letter?</p> <p>2 A No, no. Initially, he tried to give us the      3 letter, and then the letter was rescinded. And then,      4 I didn't know at the time, I found later -- my      5 question was, when were we going to be known or      6 notified that our positions were going to be cut. It      7 just came out of the blue. And so, again, he just      8 repeated that he was directed by the Board to consult      9 with Doctor McNulty and the others, Mr. Tackett and      10 Will Reid, and they made their decision, and then we      11 went to the -- they called an emergency Board meeting,      12 it wasn't a regular Board meeting. They called an      13 emergency Board meeting April 28, that Saturday. And      14 Doctor Warren was actually handed the letters. So,      15 when the cuts were made, they knew who they were      16 cutting. It wasn't a matter of positions, they were      17 cutting people.</p> <p>18 Q So, my question, though, when you met with      19 Doctor McNulty on the 30th, then did Paul Brewer give      20 you the actual signed letter?</p> <p>21 A Yeah, we received it April 30th.</p> <p>22 Q From Paul Brewer?</p> <p>23 A Right. I don't know if it was before the      24 meeting or after the meeting, but it was on April      25 30th.</p>

Page 21	Page 22
<p>1 Q Okay.</p> <p>2 A Before May 1st.</p> <p>3 Q And you were not in a followup meeting with</p> <p>4 Doctor McNulty a few days later?</p> <p>5 A I sent him an e-mail that I wasn't able to make</p> <p>6 it because I had -- my son had a showcase to attend.</p> <p>7 Q Okay.</p> <p>8 A And then, he insisted that we meet. And so, he</p> <p>9 asked could he call me, and I said, "Sure. You can</p> <p>10 call me after work." And he called me Thursday, May</p> <p>11 3rd, at 4:30.</p> <p>12 Q And explained to you that he was going to reopen</p> <p>13 the position under the instructional strategist?</p> <p>14 A He just kind of talked about the deputy</p> <p>15 superintendent position, he talked about the district</p> <p>16 instructional strategist position. He asked me</p> <p>17 questions about professional development. I know that</p> <p>18 was discussed a lot, what the plans were, who was</p> <p>19 doing it, and then he -- I forgot the statement he</p> <p>20 made, but there was a question, and I said, "Well,</p> <p>21 according to Arkansas, the teachers have to have" -- I</p> <p>22 think it's something about flex time. And so, we</p> <p>23 talked about that. So, he mentioned the positions and</p> <p>24 then he sent a followup e-mail the next day with an</p> <p>25 update about the positions.</p>	<p>1 Q Okay. And you didn't apply for the deputy</p> <p>2 position?</p> <p>3 A No. I didn't apply for the deputy position, I</p> <p>4 applied for the district instructional strategist.</p> <p>5 Q And principal?</p> <p>6 A Yes.</p> <p>7 Q So, did you have any conversations about those</p> <p>8 positions with anybody, as in after the interview when</p> <p>9 you didn't receive it, did you follow up with anyone</p> <p>10 to ask about it?</p> <p>11 A I followed up with Doctor McNulty, he asked me</p> <p>12 for -- I sent him an e-mail after the interview. And</p> <p>13 I only talked to him, because he was the source, he</p> <p>14 was the one that actually did the interview.</p> <p>15 Q Oh, for instructional strategist?</p> <p>16 A Strategist, yes. And so, I sent an e-mail to</p> <p>17 thank him for the interview with a "thank you" letter,</p> <p>18 and he replied and said that he would notify me that</p> <p>19 Monday to let me know.</p> <p>20 Q And he didn't?</p> <p>21 A No.</p> <p>22 Q He did not?</p> <p>23 A No.</p> <p>24 Q But you didn't get it, you learned that somehow?</p> <p>25 A Yes.</p>
Page 23	Page 24
<p>1 Q And that was the last position you applied for?</p> <p>2 A At the county, yes.</p> <p>3 Q To-date?</p> <p>4 A No. I applied for Pine Bluff.</p> <p>5 Q No, no, no. That's the last position you</p> <p>6 applied for at the county?</p> <p>7 A Yes, yes.</p> <p>8 Q Up until now?</p> <p>9 A Yeah.</p> <p>10 Q I asked Ms. Beasley if -- in the meetings with</p> <p>11 Doctor McNulty if he ever made any statements about</p> <p>12 race directly relating to you, and she denied hearing</p> <p>13 that. So, I will ask you the same thing. Did race</p> <p>14 ever come up that his decision was based on race or</p> <p>15 equity or anything like that?</p> <p>16 A You mean, equity as far as with the students?</p> <p>17 Q No, no. Just with you?</p> <p>18 A Or with personnel?</p> <p>19 Q Really, just you?</p> <p>20 A It was the actions, it wasn't the statement. It</p> <p>21 was more so the actions.</p> <p>22 Q Which we -- which you have described?</p> <p>23 A Yes. So, you don't have to say anything once</p> <p>24 you do it. So, based on, again, the actions. Because</p> <p>25 operating in an unofficial capacity, I mean, that says</p>	<p>1 enough about what it is. So, I know he didn't -- he</p> <p>2 did say it was three positions, three to four other</p> <p>3 district instructional strategists, and it ended up</p> <p>4 being two instructional strategist positions.</p> <p>5 Q That were open?</p> <p>6 A That became open, yeah. But he did say it would</p> <p>7 be three, maybe four. But it was two.</p> <p>8 Q Okay. And I understand the context of why you</p> <p>9 are filing this complaint with the racial undertones,</p> <p>10 I get all of that. I'm just asking, as we sit here,</p> <p>11 specifically did any administrator of the district</p> <p>12 ever make a racial or racially-charged comment to you,</p> <p>13 or racially-insensitive statement to you?</p> <p>14 A No. It was more so the actions, you know, not</p> <p>15 wanting me in the building when I was scheduling to do</p> <p>16 my rounds at the beginning of the year, it was Lawson</p> <p>17 Elementary, Robinson Elementary. And then, I know</p> <p>18 that just dealing with Doctor Tackett was a bit</p> <p>19 hostile. When we would have meetings, just being</p> <p>20 excluded from things to get the understanding so that</p> <p>21 I could perform my duties to make certain that we are</p> <p>22 meeting the needs, and what the requirements are,</p> <p>23 especially for the Plan 2000. I know that just</p> <p>24 receiving support, to support the district, it was</p> <p>25 just -- it was just a little bit hostile.</p>

<p style="text-align: center;">Page 25</p> <p>1 Q What do you mean? What was hostile about your 2 working relationship with Doctor Tackett?</p> <p>3 A So, for an example, when just going in to 4 support the schools, he was present at the meeting 5 when they requested support. And then, later was -- 6 he told the principals to not ask for my support, to 7 not ask for it. But they were not receiving support. 8 In a meeting, it was -- I asked the question to 9 understand the DRIVEN program, and he shared, "Well, 10 it's just for your information, I don't need you to do 11 anything." It was -- from my experience, it was just 12 hostile. It's just -- I just couldn't understand it. 13 It was hostile.</p> <p>14 Q Did you ever make a complaint about Doctor 15 Tackett to anyone?</p> <p>16 A I talked to my supervisor. We talked about it.</p> <p>17 Q Ms. Goodwin -- Doctor Goodwin?</p> <p>18 A Uh-huh, we talked about it. And I talked to 19 her, and I was satisfied. And then, again, time went 20 on, principals were requesting for me to support them 21 in a training, he did not like that. So, he actually 22 came back to work to stop that from happening.</p> <p>23 Q Well, what did he not like about you helping the 24 principals?</p> <p>25 A That's a good question.</p>	<p style="text-align: center;">Page 26</p> <p>1 Q You don't know the answer to that?</p> <p>2 A Yeah. I feel like it was racially motivated.</p> <p>3 Q That Doctor Tackett didn't want you assisting 4 the principals --</p> <p>5 A Yes.</p> <p>6 Q -- because you are African-American?</p> <p>7 A I just think that that's part of it.</p> <p>8 Q And what --</p> <p>9 A What reason would he not want me to support 10 schools so that we can close the achievement gap?</p> <p>11 Q He never gave you a reason?</p> <p>12 A Huh-uh, no.</p> <p>13 Q No?</p> <p>14 A No.</p> <p>15 Q So, you believe it was racially motivated?</p> <p>16 A Yes. Especially knowing that -- especially when 17 I'm knowing that he is giving insight on to cut my 18 position, yes.</p> <p>19 Q When he is collaborating with --</p> <p>20 A Yes.</p> <p>21 Q Let me finish just so the record is clean.</p> <p>22 A Oh.</p> <p>23 Q You said insight to cut your position, you are 24 talking about when he apparently talked with Mr. Brewer about cutting these program administrator</p>
<p style="text-align: center;">Page 27</p> <p>1 positions?</p> <p>2 A Right.</p> <p>3 Q So, in terms of the hostility you are 4 referencing, it is because Doctor Tackett -- or you 5 are alleging Doctor Tackett kept you from going into 6 schools, and you think that that was racially 7 motivated?</p> <p>8 A Yes.</p> <p>9 Q Okay.</p> <p>10 A What reason would that be?</p> <p>11 Q Okay,</p> <p>12 A That was my question.</p> <p>13 Q And we covered this, but you are referring to 14 Doctor Tackett's actions? There was nothing he ever 15 said to you that was racially motivated or racially 16 insensitive, et cetera?</p> <p>17 A Doctor Tackett just wouldn't -- he would not 18 interact with me.</p> <p>19 Q Okay.</p> <p>20 A Even during meetings, he would not interact with 21 me,</p> <p>22 Q He wasn't your direct supervisor, or he wasn't a 23 supervisor at all; correct?</p> <p>24 A No. But others weren't, either, and they 25 interacted with me.</p>	<p style="text-align: center;">Page 28</p> <p>1 Q Okay. When was the first time you learned that 2 the position, program administrator, may be, for lack 3 of a better word, in jeopardy, or may be cut?</p> <p>4 A From Paul Brewer in April.</p> <p>5 Q When he came to you --</p> <p>6 A Well, he called us all to a meeting.</p> <p>7 Q And that was after the Board meeting where he 8 was directed to change the financial planning?</p> <p>9 A Which Board meeting, because there were several?</p> <p>10 Q Well, there was one Board meeting where he 11 presented the allocations, and the Board, for whatever 12 you want to call it, essentially said, "Go back and 13 find more cuts," and it was a Saturday meeting that 14 you attended.</p> <p>15 A Well, it was presented to them -- it was 16 presented to the Board -- another plan was presented 17 to the Board about the benefits, not contributing to 18 the benefits. Also, there was another proposal. The 19 Board didn't like that proposal. So, there was a 20 proposal given. And so, he was told at the Board 21 meeting April 10th, I believe it was at that Board 22 meeting, to go back and aggressively look.</p> <p>23 Q And shortly after that, he met with the program 24 administrators?</p> <p>25 A Right. And during that Board meeting, I, again,</p>

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1 had no idea that it was us --  
 2 Q Okay.  
 3 A -- that was being discussed from Central Office.  
 4 Q And he made that known to you at that meeting  
 5 sometime in April after the April 10 Board meeting?  
 6 A Yeah, that he was told to look at our positions.  
 7 Q That was your first and only year with the  
 8 district?  
 9 A Uh-huh, yes.  
 10 Q But for the position being terminated, did you  
 11 plan to return?  
 12 A Yes, most definitely. It was a perfect fit.  
 13 That's why I applied. Because I have no family here.  
 14 We are military The one support I had,  
 15 unfortunately, her husband was murdered, so they had  
 16 to go back home -- well, she went back home. And so,  
 17 that's why it was difficult with me in Pine Bluff, it  
 18 was a hardship being able to get to my son's doctors  
 19 appointments and stuff like that.  
 20 Q You are saying when you were at Pine Bluff?  
 21 A Right.  
 22 Q Okay.  
 23 A Because it was so far away. So, if he had a  
 24 doctor's appointment, I mean, I had to miss a whole  
 25 entire day. There were times I just couldn't get

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1 home, bad weather, that kind of stuff. So, it just  
 2 created a great hardship.  
 3 Q So, prior to PCSSD, you were a principal from  
 4 2012 to 2016?  
 5 A Yeah. I was in Florida.  
 6 Q That was Florida?  
 7 A Yeah. Elementary.  
 8 Q Was that Duvall County Schools?  
 9 A Yeah.  
 10 Q So, you were principal. And then, prior to  
 11 that, you were assistant principal for two years at  
 12 Duvall?  
 13 A Yes.  
 14 Q And then, prior to that, you were the elementary  
 15 math coach?  
 16 A I was district math coach.  
 17 Q District. And then, prior to that, you were a  
 18 math teacher?  
 19 A Middle school, yes.  
 20 Q Middle school. So, you were in the Duvall  
 21 County Public Schools in Florida?  
 22 A For about 13 years.  
 23 Q Thirteen years?  
 24 A Thirteen to 15 years.  
 25 Q And then, you were in the Army yourself, the

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1 National Guard?  
 2 A Yes, I was in the Army.  
 3 Q Army?  
 4 A Active, until 2002.  
 5 Q So, you were 13 years in Florida, then you moved  
 6 here because your husband was on orders?  
 7 A Yes.  
 8 Q And then, you have one year at Pulaski County?  
 9 A Right. And now he has split orders.  
 10 Q What does that mean?  
 11 A That means he is going between states now. That  
 12 was a hardship, because I had no support.  
 13 Q Because he is away?  
 14 A Right.  
 15 Q Where are his other orders?  
 16 A DC.  
 17 Q So, Jacksonville -- no, no. That's Air Force.  
 18 A No. It's Arkansas and DC.  
 19 Q Okay.  
 20 A And that's why Pulaski County worked, because I  
 21 was closer to my son.  
 22 Q Okay. And that's Lamar is your son?  
 23 A Yes.  
 24 Q Where does he go to school?  
 25 A That's my baby. Maumelle High.

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1 Q That's your baby?  
 2 A Yes, it is.  
 3 Q That's your only child?  
 4 A Yes, it is. And I helped with my niece, but we  
 5 sent her back because we couldn't do it with the lack  
 6 of income.  
 7 Q So, your husband gets income from the United  
 8 States military?  
 9 A He better be, yes.  
 10 Q And is that his only source of income?  
 11 A Yes.  
 12 Q And then, your income currently is from the --  
 13 remind me what it's called.  
 14 A Ed Reports. And it's just a stipend. It's not  
 15 -- it's just a stipend. So, it's like \$1,700.00 for a  
 16 series. So, it's not -- I mean, you are talking about  
 17 finding something.  
 18 Q And you don't have any other kin in Arkansas?  
 19 A It's just us.  
 20 Q Where did you grow up?  
 21 A In Florida. I'm originally from Lakewood, New  
 22 Jersey. Trenton, New Jersey, and then I moved to  
 23 Florida.  
 24 Q Okay.  
 25 A Well, we moved to Florida, my family and I.

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<p>1 Q Because of your husband's orders?</p> <p>2 A No, I didn't move to Florida for him. I moved</p> <p>3 to Florida for my family.</p> <p>4 Q Okay.</p> <p>5 A And then, I moved to -- when I married my</p> <p>6 husband, then I moved to Jacksonville.</p> <p>7 Q All right. So, you were in Florida, met him,</p> <p>8 moved to Jacksonville for his orders?</p> <p>9 A Yes.</p> <p>10 Q Then, his orders brought him to --</p> <p>11 A We met in the military.</p> <p>12 Q Because you were active, as well?</p> <p>13 A Yes.</p> <p>14 Q And you don't have any interviews coming up,</p> <p>15 because you just said you haven't found anything that</p> <p>16 you can apply for?</p> <p>17 A No. I just checked.</p> <p>18 Q Just checked what?</p> <p>19 A I just checked my e-mail, because I get the</p> <p>20 notifications.</p> <p>21 Q Have you seen a medical provider for any</p> <p>22 treatment related to this incidence, or issues?</p> <p>23 A I have ulcerative colitis, it's been a bit</p> <p>24 stressful. So, I was in remission, so I have been</p> <p>25 having flare-ups. And so, my doctor just put me back</p>	<p>1 on the medication, because I was off of it. So, it</p> <p>2 has been a bit stressful.</p> <p>3 Q And is that Doctor Pitman?</p> <p>4 A Yeah. Now, he is my primarily. So, I have to</p> <p>5 go to a specialist because ulcerative colitis is --</p> <p>6 Q Who is that?</p> <p>7 A It is Doctor Patel.</p> <p>8 Q Patel. Does he have privileges with a hospital,</p> <p>9 or his own clinic?</p> <p>10 A He is a gastroenterologist.</p> <p>11 Q Okay.</p> <p>12 A As a matter of fact, they just moved. I don't</p> <p>13 know where they moved to. He is a specialist. I</p> <p>14 don't see him often like I see --</p> <p>15 Q Is his office on University?</p> <p>16 A I'm not from here, so I have to look at my</p> <p>17 navigation. I think it took me to University. I</p> <p>18 think it did.</p> <p>19 Q If you saw one that says --</p> <p>20 A Because I have to go to -- I mean, I go to his</p> <p>21 office. But I have to -- for ulcerative colitis, I</p> <p>22 have to go to outpatient for the colonoscopy. So,</p> <p>23 it's a different location.</p> <p>24 Q Okay. Have you talked about this lawsuit with</p> <p>25 anyone besides your attorneys or your family?</p>
Page 35	Page 36
<p>1 A No, No.</p> <p>2 Q And Ed Reflect, does that take you into the</p> <p>3 schools?</p> <p>4 A Who?</p> <p>5 Q What was it called, Ed what?</p> <p>6 A Ed Report.</p> <p>7 Q Ed Report?</p> <p>8 A It doesn't take me into the schools, no.</p> <p>9 Q So, you haven't been back to any of the high</p> <p>10 schools?</p> <p>11 A No, not at all, no.</p> <p>12 Q Well, I mean, you have been to your son's</p> <p>13 events?</p> <p>14 A Yes, yes. I'm very active when it comes to my</p> <p>15 son.</p> <p>16 Q That may be all I have, Ms. Townsend. Anything</p> <p>17 that I didn't ask that you want to add?</p> <p>18 A I just think it's a great disservice to being in</p> <p>19 the position, when the people that need to make the</p> <p>20 decisions were circumvented that is required by law to</p> <p>21 make that decision, and they were actually</p> <p>22 circumvented, and the person that was not allowed to</p> <p>23 make decisions, or shouldn't be making decisions, were</p> <p>24 making the decisions, along with the Board. So, I</p> <p>25 just have concerns with that.</p>	<p>1 Q You are referring to Doctor Warren?</p> <p>2 A Yeah. Because she was superintendent at the</p> <p>3 time.</p> <p>4 Q What are your thoughts on Doctor McNulty and him</p> <p>5 having input, since he was going to be coming in for</p> <p>6 the '18-'19 school year?</p> <p>7 A Input as far as consulting, when they have a</p> <p>8 superintendent.</p> <p>9 Q Well, you recognize at the time the decision was</p> <p>10 made by whoever to cut these positions, he had been</p> <p>11 hired as the new superintendent to come in for the</p> <p>12 '18-'19 school year?</p> <p>13 A Right. But our current superintendent had</p> <p>14 already made the decision.</p> <p>15 Q Right. I'm not arguing with you.</p> <p>16 A Yes.</p> <p>17 Q I'm just asking, do you think he should have had</p> <p>18 input since this was going to be his administration?</p> <p>19 A And he wasn't an employee at the time? I'm</p> <p>20 trying to make sure I understand your question.</p> <p>21 Q Yes. I'm just asking, he was coming in as the</p> <p>22 new superintendent. So, I'm asking, do you think he</p> <p>23 should have had any input into hiring decisions?</p> <p>24 A I guess my concern is, how could we make input</p> <p>25 if you have not observed the situation, collected data</p>

Page 37	Page 38
1    on what needs to happen.	1    Exhibit One.
2    Q    Okay.	2
3    A    And that was the question I asked him.	3
4    Q    And what was his response?	4
5    A    It was fiscal. And he did say that he went to	5
6    go meet -- he just had a meeting with the person	6
7    regarding the budget that day.	7
8    Q    Okay.	8
9    A    But again, as an administrator, as a principal,	9
10   and going through several superintendents and just	10
11   understanding the process -- and understanding the	11
12   process, and just making that decision based on what	12
13   -- he answered the question, he did answer my	13
14   question.	14
15   Q    When he said "fiscal"?	15
16   A    Yeah, he gave me an answer, but it wasn't the	16
17   answer. Because we had a superintendent.	17
18        MR. KEES: All right. Thank you for	18
19        your time, ma'am. I appreciate it.	19
20        (WHEREUPON, at 12:21 p.m., the taking of	20
21        the above-entitled deposition was concluded.)	21
22        ---0---	22
23	23
24	24
25	25
Page 39	
1    Exhibit Two.	Page 40
2	ERRATA
3	PAGE/LINE      SAYS:      SHOULD SAY:
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S I G N A T U R E

I, Nicole Townsend, do hereby certify that I have read the foregoing pages, and the same is a true and correct transcription of the proceedings that occurred, except for the corrections (if any) that appear on the Errata Sheet.

Nicole Townsend

STATE OF ARKANSAS)

) ss.:

COUNTY OF \_\_\_\_\_)

WITNESS MY HAND AND SEAL, this \_\_\_\_\_

day of \_\_\_\_\_, 2019.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

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with the action, and have no interest in the outcome or results of this litigation.

WHEREFORE, I have subscribed my signature and affixed my notarial seal as such notary public at the City of Little Rock, County of Pulaski, State of Arkansas, this the 10th day of June, 2019.

DEBBYE L. PETRE, CCR  
NOTARY PUBLIC IN AND FOR  
PULASKI COUNTY, ARKANSAS

My Commission Expires:

August 4, 2020.

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C E R T I F I C A T E

STATE OF ARKANSAS )

) ss.:

COUNTY OF PULASKI )

I, DEBBYE L. PETRE, Certified Court Reporter and notary public in and for the County of Pulaski, State of Arkansas, duly commissioned and acting, do hereby certify that the witness herein was by me first duly sworn to testify the whole truth and nothing but the truth prior to taking down in Stenotype the questions, answers, and proceedings during said deposition, and from such recordation was thereafter reduced to print by means of computer-assisted transcription, and the same fully, truly, and correctly reflects the proceedings had.

I FURTHER CERTIFY that the above deposition was given by the witness and taken at the times and in the place hereinabove set forth.

I FURTHER CERTIFY that I am not attorney or counsel of any of the parties, nor am I relative or employee of any attorney or counsel or party connected

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